THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.9089 of 2007

Date: 27.04.2007

Between:

Mantri Advaiah.

....Petitioner

And

Vice Chairman and Housing Commissioner and others.

.Respondents

–
–
–
–
–
–

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION No.9089 of 2007

–

O R D E R:

The petitioner is the allottee and owner of house bearing No.80/MIG of the A.P.Housing Board Colony at Moula Ali, Hyderabad. Immediately abutting his house, there is an open land of about 459 square yards belonging to the A.P.Housing Board. The petitioner states that the open plot is irregular in shape and does not have any access. He claims to have made several representations in the years 2005 and 2006, for allotment of the said land to him on market rate. He is also said to have obtained No Objection Certificate from the immediate neighbours. The petitioner complains that the respondents have not taken any action, so far.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The A.P. Housing Board has its own regulations, in the matter of disposal of the vacant land, abutting the plots or houses allotted by it to the concerned persons. In

case, the open land is in excess of 100 square yards, it shall be invariably disposed of through public auction. In W.P.No.26653 of 2001, this Court passed an order, dated 14.10.2003, directing that if the upset price is not fetched, even after three successive auctions, the Board shall allot such piece of land to the neighbouring plot owner, after obtaining the permission from the Government.

In the instant case, the extent is admittedly more than 100 square yards. It shall have to be disposed of, only through public auction, provided the A.P.Housing Board does not intend to use it for any other purpose. The petitioner cannot have any right to insist on allotment of the same exclusively to him. As and when, the respondents decide to dispose of the plot, it shall be open to the petitioner to participate in the auction and other things being equal, he shall have a preferential right of being allotted.

The Writ petition is, accordingly, disposed of. There shall be no order as to costs.

_____

27.04.2007

JSU